

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2160 of 2017

1. Dev Pratap & Anr. S/o Manglu Ram Aged About 21 Years R/o Village Jamgala, Police Station- Lakhanpur, District- Surguja, Chhattisgarh.
2. Bhimram Ghasiya @ T.S. @ Nanu S/o Chhotu Ram, Aged About 19 Years Rp Village Jamgala, Police Station Lakhanpur, District- Surguja, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Office, Police Station Lakhanpur, District- Surguja, , Chhattisgarh.

---- Respondent

and

MCRC No. 2372 of 2017

- Mahendra Das S/o Premdas, Aged About 32 Years R/o Village Jamgala, Police Station Lakhanpur, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Lakhanpur, District Surguja Chhattisgarh

---- Respondent

For Applicant	:	Mr. C. Jayant K. Rao and Mr. Prasoon Agrawal, Advocates.
For Respondent/State	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/11/2017

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.

2. Both the above applications are first bail applications filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants who have been arrested in connection with Crime No. 226/2016, registered at Police Station- Lakhanpur, District – Surguja (C.G.) for the offence punishable under Sections 302, 201, 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. The date of incident as alleged is 2.12.2016, the body of deceased Ramesh Rajwade was found in the well of informant of morgue **Suresh Paule** on 6.12.2016. FIR was recorded on 7.12.2016. The postmortem report says that the death of deceased was due to strangulation and the time of death was within 24 hours from the time of the postmortem examination. The only witness Khilendra Prasad has stated that he saw the applicants and the deceased quarreling with each other on 2.12.2016. Thus, it is clear that there is no evidence connecting the applicants with the crime in question and therefore, they may be released on regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the statement of Khilendra Prasad is very much relevant being the evidence of last seen together. Further, the memorandum statements of the accused persons clearly show the series of events that took place and lastly it was Dev Pratap @ Motu, who strangulated the deceased to death and thereafter other accused persons helped him to dispose of the dead body by throwing in the well of the informant **Suresh Paule**. Hence, the applicants are not entitled for grant of bail.

5. Heard both the parties and perused the case diary.
6. Considering the submissions made and the contents of the case diary, I am not inclined to release applicant-Dev Pratap on bail. However, the prayer for grant of bail made on behalf of remaining applicants namely- Bhimram Ghasiya and Mahendra Das deserves to be allowed. Hence, the bail application of Dev Pratap is rejected, whereas bail applications of Bhimram Ghasiya and Mahendra Das are allowed.
7. Accordingly, it is directed that applicants Bhimram Ghasiya and Mahendra Das shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge